

Statement of

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and

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Oversight hearing on "Citizenship USA "

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## I. Introduction

Good morning, Mr. Chairman and Members of the Subcommittees. I am joined today by Don Crocetti, Associate Commissioner for Examinations, and David Rosenberg, Director of Program Initiatives.

The naturalization program is of enormous importance to the Immigration and Naturalization Service (INS) and to the Nation. The grant of citizenship is the culminating step in our national commitment to legal immigration and is the most important benefit INS can bestow.

Enabling immigrants to become full participating members in our democracy is a defining feature of our national character. We unite more people from more nations than any other country, even within the community of nations that are strongly committed to legal immigration. As Commissioner of INS, I am charged with overseeing the processes we use to grant naturalization. My commitment to enhancing INS' performance and accountability with respect to the naturalization process and ensuring the integrity of that process is long standing.

## II. Overview of Improvements to Naturalization Process

Before addressing the performance of our naturalization program over the last year, let me first list some of the improvements we have made to that program.

First, we have eliminated the possibility of naturalization cases being completed without verification of an FBI fingerprint check. That is to say, the FBI

is now responding to INS in 100 percent of the cases by providing either a "yes" or "no" verification of whether there is a criminal history record for an applicant. Second, we have instituted a quality assurance program to ensure that all procedures are being followed. The program involves random monthly checks of a sample of cases from every office in INS. Third, we have contracted with the management consulting firm of KPMG Peat Marwick to review the implementation of these procedures and to conduct and oversee an audit of all cases of persons who may have been wrongfully naturalized last year. In such cases we will initiate proceedings to revoke citizenship. Finally, we are letting a contract for a complete redesign of the citizenship process during the next 18 months to two years.

Let me now provide some background about the development of our naturalization program.

### III. Historical Background

#### A. Growth in Applications

In the ten years before 1992, we received fewer than 300,000 naturalization applications per year. In early 1994, we knew that over 1.3 million people who had gained legal status under the Immigration Reform and Control Act of 1986 (IRCA) were beginning to become eligible for citizenship and we were anticipating an increase in our workload. By the close of fiscal year 1994, we had received 522,000 applications.

As we moved to meet the expected increase in applications, we were also

committed to redesign the process. We aimed for a balance: to divide our effort between meeting the growing workload and moving forward with necessary process redesigns.

To accomplish this goal, I sought a capital investment in the naturalization program beyond an amount the fee account could sustain in order to jump start the system with much needed improvements. Our 1995 budget request, submitted in February 1994, included \$30 million in appropriated funds to support a major revamping of our naturalization program.

Congress ultimately approved \$7.1 million of our \$30 million request, to provide public information services and reduce waiting times for processing. Underscoring the national interest in an effective naturalization program, this was the first time since the examinations fee account was established in 1988 that appropriated funds, in addition to application fees, were requested and approved to supplement naturalization spending.

Our projection of application receipts, based on historical data did not prepare us for what ensued. By early 1995, we were receiving cases at a rate that led us to project a caseload of double the 522,000 cases received in fiscal year 1994. Relying on applicants' fees for financing, we prepared two reprogramming requests, one to increase case processing capacity in fiscal year 1995 and another later in the year to carry that capability forward for fiscal year 1996. In March 1995, we began serious planning on improvements to the naturalization process at the same time as we planned increased capacity for the unprecedented volume of applications we were receiving.

By the end of fiscal year 1995, we had indeed received more than one million applications. It appears that applications grew as a result of a range of external and internal factors, including: (1) the IRCA's legalization program, which created a large pool of legal permanent residents who became eligible to naturalize in large numbers in 1994; (2) anxieties among immigrants regarding the passage of ballot initiatives and legislation such as Proposition 187 in California; and (3) the green card replacement program and the fact that the fee for replacing the card was nearly that of the fee for the application for citizenship.

Applications increased another fifteen percent in 1996, to 1.2 million, and this year, they are projected to increase an additional 50 percent, to 1.8 million.

The following table summarizes our recent experience. As you can see, applications have quadrupled in four years and continue to grow.

Naturalization Workload (numbers in thousands)

	Receipts	Completions*	Pending
1992	342	262	199
1993	522	387	269
1994	543	444	314
1995	1,100	506	803
1996	1,221	1,344	701

\* Completions = fully adjudicated cases, not completed oath ceremonies

Rapidly mounting receipts of citizenship applications presented INS with

enormous challenges. By 1995, we faced a backlog of some 800,000 naturalization applications. Processing times were projected to be a totally unacceptable two to four years in some districts. Many of our customers -- almost all of whom are law-abiding, taxpaying contributors to our society -- were waiting for unreasonable periods of time to receive benefits for which they were paying, to which they were entitled, and which it was in the national interest to bestow. This was an unacceptable situation. We had an obligation to step up to our responsibility to provide better service.

B. Creation of Citizenship USA

In the Summer of 1995, we developed and launched Citizenship USA as a way of meeting both vastly accelerated demands and making necessary systemic improvements to the naturalization process. We initially focused on the five cities that represented 75% of the applications and had the largest backlogs: Miami, New York, Chicago, Los Angeles, and San Francisco.

Bi-partisan congressional support for our plans came in the form of the 1995 and 1996 reprogramming approvals. These funds made it possible for us to hire more than 900 additional temporary employees and let contracts to lease and outfit nine new offices, which we needed to handle the increased number of interviews we were required to conduct.

In addition, we developed a series of improvements to the process. Some of the critical improvements are as follows:

### Direct Mail

This involves applicants from four of the five large districts mailing their applications to centralized processing centers rather than submitting them in person to local offices. The Service Centers screen fingerprint cards and mail them to the FBI promptly, overcoming the problem of tardy submissions of fingerprint cards. Direct Mail allows initial data entry and other paper handling to be performed much more efficiently and frees district office personnel to concentrate on adjudicating applications.

### Fingerprint Clearance and Coordination Center (FCCC)

The FCCC, opened in June 1996, centralized the processing of rap sheets and rejected fingerprint cards from the FBI. The FCCC ensures prompt notification to field offices of rejected fingerprints and of the discovery of FBI records for naturalization applications, directly addressing two procedural deficiencies of concern to INS.

### Automation

We developed short term improvements to the existing automated case processing system including providing acknowledgments to applicants and automated scheduling of interviews. These and similar measures allowed our staff to be more efficient and productive.

### Assistance Organizations

We also actively sought partnerships with non-governmental organizations

to leverage our ability to reach out to citizenship applicants. These organizations have provided an invaluable service in educating applicants about the requirements for naturalization, helping applicants prepare complete and accurate applications, and informing applicants about the responsibilities of citizenship.

### C. Goals of Citizenship USA

Citizenship USA was focused on achieving timely adjudication of naturalization applications. Our focus was on completing adjudications and reducing backlogs. Our operation and the resources we requested were sized to meet projected caseloads.

The goal of Citizenship USA was to meet INS' historically-based six months processing time. By the end of fiscal year 1996, we had reduced or eliminated unconscionable delays and had successfully returned citizenship application processing times from two to four years in many places to six months.

### D. Lessons Learned

In hindsight, we see that our reach exceeded our grasp. Our policies and procedures had been written in a different era. The system that was in place -- principally paper-driven and supported by outmoded hardware and software -- was adequate to handle fewer than three hundred thousand cases per year but was being stretched to an extraordinary four-fold increase in workload. Staff made valiant attempts to keep up with ever increasing obligations while making continuing adjustments as needs arose. Our increased demand for fingerprint

checks also increased pressure on the FBI and, as we later learned, slowed the time period for obtaining responses.

The FBI's figures state that it completes 73 percent of fingerprint checks within 30 days, 89 percent within 45 days, 94 percent within 60 days, and 98 percent of fingerprint cards within 90 days. Historically, seven percent of naturalization applicants have some sort of information --not necessarily a criminal record -- on file with the FBI. Of those, a much smaller percentage of naturalization applicants typically had criminal records that disqualify them from naturalization.

Despite the improvements to the process that we instituted, we were still relying on an outdated assumption with respect to the receipt of FBI fingerprint check results. Since 1982, it had been INS policy to assume that no FBI record existed if an FBI response (known as an "ident") was not received within 60 days after the fingerprint card was sent to the FBI.

This policy created a significant vulnerability. But it was a vulnerability that was not apparent until INS eliminated backlogs and became timely in its processing because with backlogs, any "idents" not delivered in 60 or 120 days still had plenty of time to reach the file before a case would be adjudicated.

As INS added personnel and other resources, our processing times dropped, and by August of last year, a few of our offices were completing applications that had been filed less than six months before. As a result, some naturalization applications were being adjudicated by INS while the FBI was still in the process of completing its background checks. As of September 1996, we

modified the presumptive policy in place since 1982, doubling the required waiting period from 60 to 120 days.

#### IV. Where We Are Today

Now that we have a fuller understanding of some of the most serious vulnerabilities in the process, we have implemented policies to resolve those problems. Those policies are summarized at the beginning of this testimony.

As of November 1996 we are implementing specific procedures that preclude interviewing or naturalizing any person for whom we do not have a response from the FBI, either positive or negative. This change contains safeguards that have eliminated the possibility of adjudications being completed without knowledge of the results of the FBI fingerprint check.

The November 1996 guidance includes procedures that require a standardized worksheet to be completed in all cases before an adjudication decision is made, including a required notation of specific information obtained from an electronic file that indicates that the FBI fingerprint check has been completed and the result of the check. If the check results in the discovery of an FBI record, the rap sheet must be placed in the case file before the case may be adjudicated. Further, monthly quality assurance case file samplings are performed to verify that worksheets are properly completed and that all procedures have been followed.

The November 1996 guidance also established strict rules about adjudications on temporary files, required supervisory review of all cases

involving individuals with felony arrests, and instituted a comprehensive Quality Assurance process for all field offices. This process involves conducting monthly, random checks of all cases to be certain that our quality assurance procedures are being followed. Starting in February 1997, KPMG Peat Marwick began an independent review of field office implementation of the quality control procedures.

As a result of our extensive work to match INS and FBI files, the two agencies established much closer coordination at both the staff and management levels. Both INS and the FBI are pleased with this strengthened relationship and are committed to its continuation.

We are working closely with the FBI to further automate the fingerprint process. Starting next month, INS and FBI will exchange electronically biographical information on FBI fingerprint cards. For the first time, INS and FBI will have common fingerprint data and a common process for managing that data. This year, we will also experiment with fingerprint scanners. These scanners, which will indicate which prints are unreadable, will help reduce the number of unclassifiable prints submitted to the FBI. Finally, we will work with the FBI to pilot an advanced system known as "EFIPS," which is a comprehensive electronic solution to the scanning and submission of fingerprint information.

With regard to the quality and security of fingerprint submissions, in June 1994, we circulated a draft regulation setting up a system for training and authorizing outside fingerprint service providers. The proposed rule was published in May 1995. After an extensive development process, the final rule was

published in June 1996 and became effective March 1, 1997. The Designated Fingerprint Service or "DFS" program addresses concerns about the need to control who may provide fingerprint services, to ensure that fingerprints submitted by applicants for INS benefits belong to those applicants, and that fingerprint cards are properly completed in order to minimize the number of rejected and unclassifiable cards.

Mr. Colgate has explained to you in detail the nature of the Lincoln review. We are fully committed to the process and are cooperating with KPMG Peat Marwick in every way possible as it reviews and validates our efforts. We have brought great resources to bear in order to solve these problems, both in terms of money and personnel. We are anxious to complete this process so that we can act on our findings, as independently reviewed and validated by KPMG Peat Marwick.

Finally, the Justice Management Division is in the process of engaging a firm that will conduct a complete business process reengineering of the entire naturalization process over the next two years. We expect this process to include the creation of an automated environment in which labor-intensive and error-prone paper based processes will be reduced or eliminated.

## V. Conclusion

It is very important that Congress and the American people understand the validity of these corrections we have made to the naturalization process. The number of applications is still increasing. We expect 1.8 million this year, an

increase of 50 percent over last year.

We are doing everything we can to identify and correct our past errors. A special team of INS adjudicators is reviewing every naturalization case between August 31, 1995 and September 30, 1996 for whom we can confirm that the FBI has a record. In October 1996, we published a regulation creating a streamlined administrative revocation process. For each person whom our review identifies as having been naturalized despite a disqualifying criminal history, INS will move swiftly to revoke the citizenship of that person.

We have a great deal of work to do. We are faced this year with the necessity of simultaneously adjusting to a workload fifty percent higher than last year, attempting to maintain reasonable processing times, continuing to implement process improvements, addressing the results of KPMG Peat Marwick's review of our work, pursuing the reengineering process, and implementing our own intensified monitoring and quality control procedures. Our Designated Fingerprint Service program was implemented just a few days ago. We are reevaluating our testing program. We are about to finalize a regulation that implements a provision of the 1994 Technical Amendments Act that permits certain persons with disabilities to apply for exceptions to the English language and civics requirements. This endeavor will require additional training for our officers, in addition to a comprehensive public education campaign for the disability and medical communities. We are proceeding with several critical automation initiatives.

I have always been committed to an immigration policy that makes the

most long-term sense, not one that serves temporary expedience. We made mistakes in Citizenship USA. The mistakes INS made resulted from applying outmoded practices to urgent and overwhelming demands. We have corrected those mistakes and have put into place a series of new measures to prevent them in the future. As we learn from this experience, we are committed to a naturalization system that is worthy of the greatest benefit bestowed by our nation.

I appreciate the opportunity to appear before you today. I will be pleased to answer your questions.